

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

•				
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,183	12/04/2003	Marshall Miles	P/144-327 2389	
OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 Avenue of the Americas New York, NY 10036-8403			EXAMINER	
			. VU, BAO Q	
			ART UNIT	PAPER NUMBER
			2838	
SHORTENED STATUTORY	PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MON	THE	04/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)			
Office Action Summary		10/729,183	MILES, MARSHALL			
		Examiner	Art Unit			
		Bao Q. Vu	2838			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)🖾	Responsive to communication(s) filed on <u>2-5-0</u>	7.				
		action is non-final.				
3)	Since this application is in condition for allowar	nce except for formal matters, pro	secution as to the merits is			
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
4)🛛	4)⊠ Claim(s) <u>1-9</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠	Claim(s) <u>1-9</u> is/are rejected.					
	Claim(s) is/are objected to.		•			
8)[	Claim(s) are subject to restriction and/or	r election requirement.				
Applicati	on Papers					
9) 🔲 🤈	The specification is objected to by the Examine	r.				
10) 🔲 🤄	The drawing(s) filed on is/are: a) ☐ acce	epted or b) $\square$ objected to by the $\mathfrak l$	Examiner.			
	Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	under 35 U.S.C. § 119					
<ul> <li>12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) ☐ All b) ☐ Some * c) ☐ None of:</li> <li>1. ☐ Certified copies of the priority documents have been received.</li> </ul>						
Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)						
	ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail Do				
	er No(s)/Mail Date	6) Other:	· · · · · · · · · · · · · · · · · · ·			

Application/Control Number: 10/729,183

Art Unit: 2838

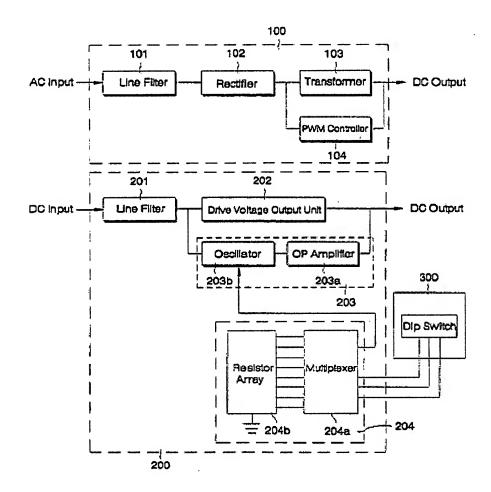
## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

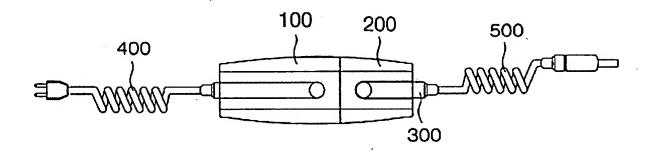
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- 2. Claims 1-9 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Youn et al. (USP 6,459,604). See figures 2 and 3 (below). See also the abstract.



Art Unit: 2838



## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Vu whose telephone number is (571) 272-2088. The examiner can normally be reached on Monday-Thursdays, 8:00AM- 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on (571) 272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bao Q. Vu Primary Examiner

Pa: Yr

Art Unit 2838

April 25, 2007